

# THE SPECIALIST

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### Fun facts

about applications for the 2005 Certification Exams

- 58 total received; highest number of applicants in Criminal and Workers' Comp Law
- 54% of applicants have between five and ten years of experience
- 44% of applicants are in small firms (2-9 attorneys)
- 63% of applicants are from the large metropolitan areas including Asheville, Greensboro, Charlotte, the Triangle, Wilmington and Winston-Salem
- The other 34% come from small cities, towns and outlying areas including Concord, Erwin, Harrisburg, Lillington, Ahoskie and Hickory
- Testing takes place on November 2 in Raleigh, or October 28 in Asheville, Charlotte and Wilmington.

## SPECIALIZATION IN THE U.S.

Across the US, the number of certified specialists continues to rise. The growth is steady, but rises significantly with the creation of new specialty areas. Since February, 2004, three new national specialty programs have been accredited by the ABA.

February 04: Juvenile Law—Child Welfare, offered by the National Association of Counsel for Children. Read more at: <http://naccchildlaw.org/training/certification.html>

August 04: DUI Defense Law, offered by the National College for DUI Defense. You can find out more at: [http://www.ncdd.com/dsp\\_certification.cfm](http://www.ncdd.com/dsp_certification.cfm)

February 05: Social Security Disability Law, offered by the National Board of Trial Advocacy. More information can be found at: <http://www.nbtanet.org/>

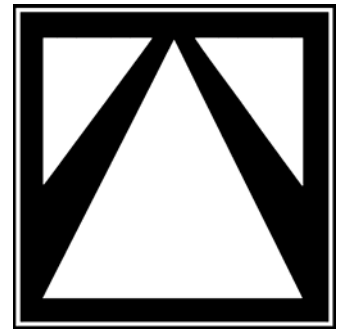
Nationally, the specialty areas seeing the fastest growth are Health Law, Elder Law, Worker's Compensation Law and Labor/Employment Law. The areas with the highest numbers of certified specialists are Civil Trial, Criminal, Family Law, Estates, Wills and Trusts, Personal Injury, Real Estate and Bankruptcy. North Carolina offers most

of these specialty certifications already, with the exception of civil trial and personal injury. (The state does recognize the ABA accredited national certification programs in those areas.) An application to create a specialty in social security disability law was just approved by the State Bar Council at its October meeting. We anticipate certifying the first class of specialists in social security disability law in 2006.

Other states continue to offer new specialty areas as well. New Mexico recently announced two new specialty areas, Local Government Law and Federal Indian Law.

Florida launched a certification in construction law last year, and certified 109 lawyers with the initial offering of the exam.

The Ohio State Bar Association unveiled its newest certification program in 2004. The first class of certified specialists in Business Commercial & Industrial Real Property Law and Residential Real Property Law was announced this past November.



Two Minnesota State Bar Association sections are polling their members to ascertain support for certifying specialists in their practice areas. If a positive response is received, the MSBA Criminal Law Section and the MSBA Labor and Employment Law Section will apply to the Minnesota Board of Legal Certification for authority to become Independent Professional Organizations that would certify specialists in those areas. Presently, Minnesota certifies in Civil Trial Practice and Real Property Law.

Currently 29 states offer certification programs and/or recognize specialists who are certified by national ABA accredited programs. For more information and a complete list of accredited specialization programs, visit <http://www.abanet.org/legalservices/specialization/home.html>

## NOMINATIONS FOR SPECIALIST AWARDS

Nominations are currently being accepted for the 2006 Certified Specialist Awards. The awards will be presented at the annual new certified specialists luncheon in the spring. Nomination forms are enclosed and additional forms are available by calling 919-828-4620 x255.

**The Howard L. Gum Service Award** - This award is given to a specialty committee member who consistently excels in completing committee tasks. The recipient is highly dedicated to legal specialization, donates his/her time to committee responsibilities, and

responds to the needs of the staff and the Board, in exemplary fashion.

**The Sara H. Davis Excellence Award** - Nominations for this award are accepted from North Carolina certified specialists. The award is presented to a certified specialist who exemplifies excellence in his/her daily work as an attorney and serves as a model for other lawyers. Special consideration is given for a long and consistent record of handling challenging matters successfully, for sharing knowledge and experience with other lawyers, for earning the respect and admiration of all others with whom

the lawyer comes into contact in his/her daily work, and for high ethical standards.

**The James E. Cross, Jr. Leadership Award** - Nominations for this award are accepted from members of the North Carolina State Bar who have worked closely with the nominee. The award is presented to a certified specialist who has taken an active leadership role in his/her practice area through presentations at CLE seminars, scholarly writings, participation in groundbreaking cases, or service to an established professional organization.

*"Clients seem to understand that with a firm of certified specialists in family law, we do handle all types of cases, from relatively easy to highly complex."*

*The Wake Family Law Group, a firm of Certified Specialists in Family Law, established in January 2005*

## FAMILY LAW SPECIALISTS ANNUAL MEETING 2005

The North Carolina State Bar Board of Legal Specialization first certified specialists in the field of family law in 1989. A small group of about 30 pioneers decided to meet for a roundtable the following year, to discuss interesting developments and problems in family law. In subsequent years, this discussion group expanded as the number of specialists increased. The information exchanged in succeeding meetings was typically of high quality and involved in-depth study of advanced family law topics. The specialists applied and were approved as a continuing legal education provider, ensuring that participants would receive credit for their attendance. As a result of these early efforts, each year's annual specialist's meeting has now become a significant CLE event (important, among other reasons, for maintaining specialist certification). These meetings are run entirely by volunteers, organized customarily by one or more "sponsoring" law firms.

Continuing this tradition, the family law specialists met this year on July 15-16, in Myrtle Beach, South Carolina, for their annual continuing legal education seminar. Of the 139 current specialists, almost half attended. This year's meeting was organized by Kimberly Bryan, Jonathan McGirt, and Lori Vitale of Cheshire, Parker, Schneider, Bryan & Vitale in Raleigh - who received invaluable logistical assistance from their staff, Mitzi Gardner and Andi McCullen and by Jon Kurtz of Tash & Kurtz in Winston-Salem.

In recent years, organizers have made an effort to choose difficult and emerging topics that other, more conventional CLEs overlook, especially "just-over-the-horizon" topics. Also, the seminars have followed an interdisciplinary model, bringing in speakers from other professions and trades to provide the frontline perspective on developments in non-legal fields that intersect with family law. This year's seminar—*Family Law in Bush's America: Challenging the System*—was no exception. A number of papers focused on dealing with the Department of Social Services, and one of the highlights of the program was two social workers from Johnston County DSS, who presented an enlightening introduction to the Multiple Response System currently being implemented in North Carolina, representing a major innovation in the way DSS

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## WHO KEEPS THE SPECIALIZATION PROGRAMS RUNNING IN NORTH CAROLINA?

The State Bar relies heavily on volunteer support to operate the specialty programs. Certified specialists are appointed to three-year terms on each seven-member specialty committee. Committee members review continuing legal education courses, approve/deny applications for certification and re-certification, write new exam questions on an annual basis, grade specialty exams and answer questions from prospective applicants.

The committee chairs bear the bulk of the work load and responsibility and field regular calls from the staff for assistance on new issues or projects. They attend an annual retreat for the Board of Legal Specialization, providing valuable input on their areas of law and administrative program issues. Chairs typically serve for three years and then pass the glory on to the vice chair. Committee chairs regularly give more of themselves than required:

Jim Angell has worked tirelessly over the past year on a proposal to merge our program with the national ABC (American Board of Certification) program. This will allow bankruptcy specialists to achieve both certifications with only one application and examination process.

Matthew Martin represented his committee in a complicated disciplinary hearing for the Board of Legal Specialization this past year. After hearing testimony and

reviewing applicable documents, the hearing panel was able to resolve the situation by consent.

Rudy Ogburn led his committee, on a weekend retreat in Winston-Salem, to completely re-write the estate planning exam. Committee members drafted new exam questions with the goal of creating a more manageable, yet still challenging exam

Stan Brown headed a Task Force of Committee Chairs that looked at peer review requirements, exam updating and application procedures across all specialty areas.

Cynthia Aziz has agreed to serve one more term as committee chair, continuing to both improve the exam quality and increase the number of applicants in immigration law.

Holly Alderman coordinated an extensive exam update, maintaining the commitment to a "hands-on" practical knowledge exam that reflects a daily practice in real property law.

Griff Morgan led his committee in determining appropriate continuing legal education courses for both initial certification and re-certification. This required extensive review of course descriptions compared with the State Bar rules regarding acceptable related courses for workers' compensation specialists.

Not to be forgotten—



Charles Hall, Chair of the committee who just received State Bar Council approval for a new specialty designation in social security disability law, spearheaded the campaign to draft new standards and contact State Bar Councilors in support of the proposal. He will now lead his committee in drafting the first exam, to be given to applicants in November of 2006.

Frank Martin, Chair of the Board of Legal Specialization, values the work and input of the committees. He is a certified specialist in real property law and served on the board for three years before becoming chair. "We have extremely talented and dedicated people serving on the various committees, and they make the work of the board and the staff so much easier. It is primarily through their efforts that we have steadily improved the program, and their dedication and enthusiasm rubs off on the rest of us," Martin says.

As committee members serve out their terms, new positions become available. Current committee members nominate replacements based on practice experience, geographic location and willingness to accept the additional work load. Let your committee chair know if you would be interested in a future opening.

### Committee Chairs

*James B. Angell—  
Bankruptcy*

*J. Matthew Martin—  
Criminal*

*Rudy L. Ogburn—  
Estate Planning &  
Probate*

*L. Stanley Brown—  
Family*

*Cynthia A. Aziz—  
Immigration*

*Holly H. Alderman—  
Real Property*

*Charles T. Hall—  
Social Security  
Disability*

*J. Griffin Morgan—  
Workers'  
Compensation*



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*Specialization*



The North  
Carolina State Bar

## FAMILY LAW, *continued from page 2*

does business. Among the other speakers were four District Court judges, a psychologist, and a substance abuse counselor. Cutting-edge topics included point/counter-point presentations about same-sex marriage and about the merits and unintended consequences of North Carolina's domestic violence laws.

Perhaps as important as the formal program was the opportunity for specialists to mingle and to make or to renew professional friendships. Informal ad hoc discussion groups in the hall just outside the meeting room provided numerous opportunities for learning and debate, and many also took advantage of the prime beach location for rest, recreation, and social-



izing after each day's session. Once again, the enthusiasm and intellectual curiosity of the family law specialists were vividly on display.

Next year's annual meeting, organized by the Wake Family Law Group, is already in the works, currently scheduled for the third weekend of July 2006.

*Special thanks to Jonathan McGirt for submitting this article.*

*The Board of Legal Specialization was saddened to hear of the death of Jane Sisco Atkins, a certified specialist in family law since 1995. Jane graduated from the University of North Carolina Chapel Hill, and received her law degree from Wake Forest School of Law.*

*Jane died at home on August 30, surrounded by loved ones.*

*Memorials in her honor may be made to:*

*The American Cancer Society, 11 South Boylan Avenue, Raleigh, NC 27603*